

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**DECLARATION OF SUBMISSION BY MAIL
BY MARK BERGNER**

UNDER 37 CFR §1.8(b)(3)

APPELLANT:	Heiko Holzheur	DOCKET NO:	P99,1523-01
SERIAL NO.:	09/369,360	ART UNIT:	2173
FILED:	August 6, 1999	EXAMINER:	T. Hailu
		Confirmation No.	6693
TITLE: Search and Navigation Device for Hypertext Documents			

**Declaration of Mark Bergner Regarding Submission of Preliminary Amendment with
RCE**

1. In response to an Office Action, I prepared a Request for Continued Examination and Preliminary Amendment B. My routine procedure for an RCE is that, when an amendment is required, I prepare the RCE and Amendment.
2. It is my normal practice to not put a date in my Certificate of Mailing until I am certain of the date the communication will be mailed.
3. On September 30, 2002, I completed all paperwork related to the RCE and Preliminary Amendment B attached to this Declaration, including dating the Certificate of Mailing and signing it, and handed the paperwork to our docketing department for filing.
4. The attached postcard indicates that an attached "RCE Transmittal" was being filed with the postcard. This RCE Transmittal form identifies in Box 1(b)(1) that an amendment/reply is enclosed.
5. It is my belief and understanding that the RCE Transmittal form and the Preliminary Amendment B were mailed, in the normal course of business, along with the postcard, and checks for the required filing and extension fees, in a first class mail envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on September 30, 2002.
6. The attached unexecuted copy of the RCE and Preliminary Amendment was placed in the file; however, it is my belief and understanding that an executed copy of this exact RCE and Preliminary Amendment is a true copy of what was included with the above-noted submission. It is also my belief and understanding that the attached RCE Transmittal Letter is a true copy of what was included in the first class mail envelope described in paragraph 5 above.

7. The above-identified and attached postcard submitted on September 30, 2002 was received by me with a stamp from the OIPE dated October 7, 2002.
8. I first became aware that the RCE and Preliminary Amendment B had not been received by the U.S. Patent Office some weeks after filing an Appeal Brief in the above-identified case on August 18, 2003. Pursuant to a request by the Examiner, I have prepared the present statement and included copies of the documents referred to above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



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